




petition and concluded that Petitioner must seek an order from the Fifth Circuit Court of Appeals that authorizes the district court to consider his petition. The court determines that the findings and conclusions of the magistrate judge are correct, and they are accepted as those of the court. This court is without jurisdiction to entertain this petition because it is successive, and, in such instances, the petition must be transferred to the appellate court for it to determine whether the district court can consider the petition.

Accordingly, the court **transfers** this action to the United States Court of Appeals for the Fifth Circuit. Petitioner's Motion for Evidentiary Hearing is **denied** as moot. The clerk of this court is directed to effect this transfer in accordance with the usual procedure.

**It is so ordered** this 30th day of September, 2010.

  
Sam A. Lindsay  
United States District Judge